

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Petition for limited proceeding)
for recovery of incremental storm) Docket No. 20240173-EI
restoration costs related to Hurricanes) Filed: January 21, 2025
Debby, Helene and Milton, by Duke)
Energy Florida, LLC)
_____)**

**PETITION TO INTERVENE OF
WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.
d/b/a PCS PHOSPHATE – WHITE SPRINGS**

Pursuant to Sections 120.569 and 120.57(1), Florida Statutes and Rule 28-106.205, Florida Administrative Code, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (“PCS Phosphate”), through its undersigned attorneys, files its Petition to Intervene. In support thereof, PCS Phosphate states as follows:

1. The name and address of the affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name and address of the petitioner is:

White Springs Agricultural Chemicals, Inc.
d/b/a PCS Phosphate – White Springs
15843 SE 78th Street, P.O. Box 300
White Springs, Florida 32096

3. All pleadings, motions, orders and other documents directed to the petitioner

should be served on:

James W. Brew
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4. PCS Phosphate is a manufacturer of fertilizer products with plants and operations located within Duke Energy Florida's ("DEF") electric service territory. PCS Phosphate receives service under various DEF rate schedules.

5. Statement of Affected Interests. On December 27, 2024, DEF filed a petition with the Commission to implement an interim storm restoration recovery charge of approximately \$1.1 billion, subject to refund, and to implement a recovery period of twelve months for March 2025 through February 2026, subject to true-up, that combines uncollected charges related to Hurricanes Debby, Helene, and Milton. PCS Phosphate is a signatory to the *2024 Settlement Agreement* approved by the Commission in Docket No. 20240025-EI, Order No. PSC-2024-0472-AS-EI, issued November 12, 2024. The *2024 Settlement Agreement* addresses storm restoration costs and the method by which DEF may request such recovery.¹ As a large customer of DEF, PCS Phosphate will be directly and substantially affected by the final amount of storm-related costs recovered in rates and the manner in which those costs are collected.

6. Disputed Issues of Material Fact. PCS Phosphate anticipates that disputed issues of material fact will be identified in the course of these proceedings. Disputed issues of material fact currently include, but are not limited to, the following:

- (a) What are the final, actual storm restoration costs for Hurricanes Debby, Helene, and Milton that DEF may recover from customers?

¹ *2024 Settlement Agreement* ¶ 29(c).

7. Disputed Legal Issues. PCS Phosphate anticipates that disputed legal issues will be identified in the course of these proceedings.

8. Statement of Ultimate Facts Alleged. Alleged ultimate facts include, but are not limited to, the following:

(a) DEF has the burden to prove that all costs for which it seeks recovery were prudently incurred and of the type appropriate to be recovered through this proceeding; and

(b) DEF has the burden to prove that no such costs sought for recovery are duplicative.

PCS Phosphate anticipates that additional alleged ultimate facts will be identified in the course of these proceedings.

9. Laws Entitling Petitioner to Relief and Relation to Alleged Facts. The rules and statutes entitling PCS Phosphate to relief include but are not necessarily limited to the following: Sections 120.569 and 120.57(1), Florida Statutes, and Sections 366.04 through 366.07, Florida Statutes; and Rule 25-22.039, Florida Administrative Code.

10. Statement of Conferral. Pursuant to Rules 28-106.204(3) and 28-106.205(2)(e), Florida Administrative Code, PCS Phosphate contacted the parties of record regarding PCS Phosphate's intervention in this proceeding. Office of Public Counsel and Nucor Steel Florida, Inc. do not object, and Duke takes no position on PCS Phosphate's petition.

11. Relief. PCS Phosphate requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs respectfully requests that the Commission enter an order allowing it to intervene as a full party in this docket.

Respectfully submitted,

/s/ James W. Brew

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*Attorneys for White Springs Agricultural
Chemicals Inc. d/b/a PCS Phosphate – White
Springs*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Intervene has been furnished by electronic mail and/or U.S. Mail this 21st day of January 2025 to the following:

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